AFC good

A) Interpretation: The affirmative can choose the standard by which we evaluate the round so long as the standard is theoretically fair to offset the neg's advantage in the round.

B) Violation: this theory is pre-emptive. My opponent violates if they advocate an interpretation of debate that doesn't let the affirmative choose the standard by which we evaluate the round.

C) Standards:

1) Time skew: Because of the 7 to 4 and 6 to 3 minute rebuttal time skew the negative enjoys, they win the majority of rounds, regardless of the seeding of debaters. Allowing me to choose the standard helps combat the significant time skew affirmatives face because instead of having to win both a framework and offense back to that framework in the impossibly short 1ar, the aff only has to win offense back to a standard, which is more practical.

A bad division of time violates fairness because arguments don’t matter if you don’t have time to make them. Time skew is the most important impact to fairness because if you don’t have time to make arguments, you can’t debate, making it a prerequisite to all other standards.

2) Strategy skew: given that the NC can adapt to the AC but the AC cannot adapt to the NC, the negative has an easier chance at winning the round structurally because it can maximize the use of it's speaking time by forcing the 1ar to respond to multiple layers of the debate. The variability in negative strategy while the affirmative has to commit to a strategy since they talk first is the definition of a strategy skew.

Preventing strategy skews is key to fairness because without being able to form a strategy, you can never win. If the negative can form strategy better than the affirmative can, it has an easier shot at winning the round structurally.

This also links into time skew because the adaptability of the NC allows it to maximize the value of their 13 minutes of speaking time while the affirmative must commit 6 minutes to the AC, leaving only 7 minutes of speech time where the strategy is not pre-decided.

D) Voter: Fairness is a voter because

1) Unfair debates determine the better cheater, not the better debater

2) Debate is a competitive activity, which by definition makes it a test of skill. Unfair interpretations prevent neutral evaluations of who did the better debating, and thus contradict the fundamental premise of debate because the judge can’t properly measure the skill of the competitors.

And, if the negative shows that AFC is not the solution to side bias, it must offer some other way to rectify the inherent advantage to negating, otherwise you prefer AFC since it has a risk of solving the side-bias. This means criticizing AFC is not enough. Either the negative must show there is not a side-bias or it must offer some concrete alternative.

E) is the preempts:

First, I don't harm education about philosophy.

the little a is that even though the aff gets to specify the framework, every debater on the circuit will still need to read and understand a variety of different philosophies to do well because that is the only way to find new frameworks to affirm with and to understand the other frameworks debaters on the circuit read. It's impossible to debate underneath your opponent's framework if you don't first understand what that framework advocates. This means that I also capture the benefit of education about ethics and philosophy.

the little b is that as harmful to our educational progress as it must be to not hear the same Ripstein/Korsgaard/Kant/Nagel bullshit over and over again, the education that both debaters receive on the contention level of the debate outweighs the minimal education we receive from the philosophy debate.

AFC forces greater substantive engagement on the AC contention level debate. This forces the negative to compare arguments and warrants, make more nuanced responses to the contention debate, and understand AC link stories.

Second, even though I know about my framework ahead of time and the negative doesn't, that doesn't make it unfair.

The little a is that it's ok if the neg is at a disadvantage. That's the whole point of AFC; it puts the negative at a disadvantage in order to counterbalance the structural advantage the neg enjoys. Thus, proof of abuse just means we are evening the playing field, which is a good thing.

The little b is that my opponent's argument is that AFC is unfair because I will always be better prepared to debate under my framework, but this assumes that my framework is unpredictable and my opponent couldn't be ready to debate under it. However, given that we have no clue what scouting systems my opponent is a part of, who my opponents is friends with, what frameworks my opponent has seen, and what frameworks my opponent is ready to debate, we can't ever verify that a certain standard was unpredictable or unfair. Thus, his argument is non-verifiable because the abuse story relies on out of round links that cannot be proven. Arguments must be verifiable for you to vote off of them, otherwise we will never know if they are actually true.

The little c is that the duration of the topic checks the abuse my opponent claims is happening. ToC is five months into the topic. If my opponent isn't ready to debate under different frameworks, it's their fault. At this point, even if my framework is a little unfair, you should be ready to debate underneath it. Theory is meant to punish cheaters, not reward lazy debaters.

Now onto the AC proper:

The little hobbit AC

I affirm. Reciprocity dictates that the negative should defend the converse of the resolution, i.e. that juveniles charged with violent felonies ought to be treated as juveniles in the juvenile justice system. If I defend the disadvantages to treating juveniles as adults, the negative ought to defend the disadvantages of treating juveniles as juveniles. Reciprocity is key to fairness because it ensures both debaters have the same ability to win the round.

All unspecified definitions are from Black's Law[[1]](#footnote-1) dictionary. Prefer these definitions because this topic deals with legal issues, and thus law dictionaries are most relevant.

Juvenile—**A person who has not reached the age** ~~(~~usually 18~~)~~ **at which one should be treated as an adult** by the criminal justice system.

Adult—**A person who has attained the legal age of majority, generally 18.**

Charge---**To accuse**

The aff and neg should be bound by status quo interpretations of what it means to treat someone as a juvenile or adult. This is best for predictability because there are hundreds of alternatives for how we should treat adults, and there is no way the negative can be ready to debate or even know about all of them. This is uniquely unfair because the affirmative is well prepared on the new system they propose, but the negative is not. This means that there is a skew in the ability of both sides to predict arguments, which is unfair because predictability forms the basis for what we research before a tournament, giving one side an advantage if the round is unpredictable.

The actor in the resolution is the government because it is the only actor capable of treating juveniles charged with violent felonies as adults.

According to Random-House dictionary[[2]](#footnote-2), ought is “**used to express duty**"

Prefer this definition because it's the most commonly used. The Online Etymology Dictionary[[3]](#footnote-3) furthers:

**[The main modern use of ought is] As an auxiliary verb expressing duty or obligation** (c.1175, the main modern use), it represents the past subjunctive.

Common usage is the most important standard in determining the legitimacy of definitions because words can only obtain meanings by how they are used.

Because ought is a question of obligations and the actor is a government, I value fulfilling governmental obligations. The standard is following the will of the American people for two reasons:

First, any government that doesn’t respect its people’s wishes is illegitimate. Power in government stems from the people. If the people don’t agree with how their government’s power is being used, then the power is being taken from them. A government that doesn’t follow the people’s will is also oppressive. Its power stems not from consent (for merely living in a nation doesn’t constitute consent), but is forcibly taken. Thus, an undemocratic government doesn’t have ownership of the power it wields, and is thus illegitimate. Further, power is only legitimately taken with the assumption that it will be used to achieve the people’s will. This gives the government an obligation, stemming from its very source to adhere to the citizens’ wishes.

Second, there are different conceptions of ideas like the good, morality, and justice. Democracy provides a forum that defines and utilizes these contested terms. Otherwise, we can never know what they mean or implement them. Thus, democracy is necessary to reach any higher “good”. When the government doesn’t follow public opinion, it shuts out insight into what obligations it possesses.

Furthermore, even if my argument about the difficulty of affirming is wrong in general, on this topic it's just true. At Blake only 8.33 rounds were won by the affirmative in triples. Neg skew ON THIS TOPIC is empirically proven because the triple-octofinal round is the round with the largest disparities between talent. Thus, at worst, even if my argument about AFC is wrong at the top of the AC, on this topic, empirically neg's have an easier time winning the round, meaning so long as my standard is fair you should prefer it.

Lastly, my standard is 100% fair:

First, this framework is predictable. The Liu's have it posted on the wiki; Palo Alto and Loyola have been running it all topic, and democracy AC's have shown up on most topics in LD in one form or another. The only way my opponent couldn't have predicted democracy is if they live in a box or didn't compete on jan/feb.

Second, there is plenty of literature and thus ground for both sides. Piquero and Steinberg as well as Schiraldi and Solar have written articles that flow neg on this topic, proving there is lit. Furthermore, there are a bunch of easy turns the neg can make to democracy.

I contend that the people of the US want to treat juveniles charged with violent felonies as adults.

First, Applegate[[4]](#footnote-4) 1 explains the past set of studies on the topic:

First, **[studies have consistently shown that] a large segment of the public supports transferring serious, youthful offenders to the adult criminal justice system** (Baron & Hartnagel, 1996; Bouley & Wells, 2001; Hart, 1998; Mears, 2001; Schwartz, 1992; Wu, 2000)**. [First] Using a nationally representative sample,** for example, **Triplett (1996) found that [87%]** a majority **of the respondents agreed or strongly agreed that youths charged with** a serious property crime, serious drug crime, or **serious violent crime should be tried as adults** (62%, 69%, and87%, respectively).Similarly, Sprott (1998) found that 64% of her Canadian sample opposed a separate justice system for youth charged with criminal offenses**.** Somewhat less support was uncovered by Schiraldi and Soler (1998, p. 598) when they asked people whether they agreed or disagreed that “federal prosecutors should have total discretion to try juveniles as adults for all felonies.” Given the multiple issues included in this question, it is hard to determine whether respondents were reacting to the idea of transfer or to giving prosecutors broad discretionary power, but 41% agreed somewhat or strongly. Second, [However, it is important to note that] the level of support varies depending on the type of offense presented to the respondent. Most studies have not asked for views on transfer overall. Rather, they have questioned respondents about their views on transferring youths accused of a particular class of crimes: selling illegal drugs, property offenses, or violent offenses. Public support for transfer is highest for serious, violent offenses. **[Second,] the absolute level of support for transferring juveniles accused of [serious, violent offenses]** this class of offense **varies somewhat among studies, reaching as high as 90% (Wu, 2000) and dipping to a low of 67% (Schwartz, Guo, & Kerbs,1993).** Selling large quantities of drugs and property offenses tend to elicit somewhat lower levels of preference for transfer (Bouley & Wells, 2001; Mears, 2001; Schwartz, 1992; Schwartz et al.,1993; Triplett, 1996; Wu, 2000; cf. Feiler & Sheley, 1999). For these types of offenses, 60% to 70% of respondents typically indicate that they favor transfer to adult court.

Second, Applegate et al explain the results from there own study:

Table 1 presents the results of questions measuring the public’s support for transferring juveniles to the adult court. The top portion of the table reports findings for the two global questions. **More than 78% of the respondents believed that having a separate court system to handle juvenile cases makes good sense. When asked about juveniles who commit violent crimes, however, fewer than 15% of respondents opposed trying them as adults.** Thus, Floridians favored the existence of a separate juvenile court but largely felt that violent youths should be transferred.

End quote.

Lastly, presume affirmative absent a clear negative ballot because the neg starts out the round with all the advantages, so if we come out even I've done the better debating.

Applegate study methodology

1. Methodology:

We commissioned Survey Sampling, Incorporated, to provide a random sample of 1,000 Florida residents. One hundred ninety-eight of the initial sample members had moved, had incorrect addresses, were deceased, or were otherwise unreachable. These individuals were replaced with randomly selected individuals. Thirty-three of the replacements also could not be contacted but were not replaced. Thus, the total number of possible respondents was reduced to 967. We mailed questionnaires to each member of the sample following many of the guidelines provided by Dillman (2000). The first mailing, which was sent in August 2002,included a cover letter,a postage-paid return envelope, a copy of the questionnaire, and a $1 incentive. A thank-you post card was sent to all members of the sample 1 week after the initial mailing. Follow-up mailings, which included cover letters, questionnaires, and return envelopes, were sent to all nonrespondents 3 and 7 weeks after the first mailing. These efforts resulted in 470 usable questionnaires being returned, for a response rate of 48.6%. Because of our modest response rate, concerns might be raised about the representativeness of our sample. We found some differences between the demographics of our sample and those of the state of Florida, but the gaps are not large and are unlikely to substantially affect our results. Compared with 2000 census data, our sample slightly overrepresents men, 54% versus 49% (http://quickfacts.census.gov). Hispanics are somewhat underrepresented. Perhaps because we did not make a Spanish version of our survey available, only 5% of our sample reported that they were Hispanic, compared with 16.8% of all Floridians as reported by the U.S. Census Bureau. Furthermore, our sample is somewhat more educated than the general population. One third of our respondents had earned a high school diploma or less, but 37% had earned at least a bachelor’s degree, which is somewhat higher than the 22% reported in 2000 census figures. The average age of our respondents was 52, which is comparable to the average age of adult Floridians (49.1, computed from grouped data). As noted, prior research has shown that the relationships between demographic characteristics and support for transfer are often nonsignificant or minimal. In addition, demographic characteristics were largely unrelated to public views on transferring juveniles in our sample. It is therefore unlikely that our results are substantially skewed. To the extent that the distribution of our sample may affect the results, the overrepresentation of men may inflate support and the substantial percentage of our respondents who are highly educated may deflate support.

2. The Specific Question:

*Support for transferring juveniles*. We assessed attitudes toward transferring juveniles to the jurisdiction of the adult court in two ways. First, people’s views were measured by two global items that were similar to those used previously in other studies and public opinion polls. The respondents were asked to report their level of agreement or disagreement that “having a separate court system to handle juvenile cases makes good sense” and that “juveniles who commit violent crimes should be tried as adults.” Possible responses were strongly *disagree, disagree, neutral, agree,* and *strongly agree*.

prefer actual question

1) Democracy studies can be highly skewed by the way in which the question was asked. The wording and assumptions behind the questions can skew the belief that we ought to treat juveniles by more than 50%. Laurence Steinberg and Alex Piquero[[5]](#footnote-5) explain:

**Using experimental data collected in four states, this study** sought to **examines how variation in the ways in which public opinion survey items are worded can produce differential response patterns** regarding public preferences associated with juvenile punishment. As expected, **individuals who are asked if all 14-year-old, first-time offenders convicted of theft should be tried as adults are substantially less likely to endorse this policy than are those who are asked about trying** some **17-year-old, recidivists convicted of rape. The magnitude of the difference between these two extremes is large: Whereas only 35% of the first group reports “some” or “a great deal” of support for trying juveniles as adults, 85% of the second group does. Under the first scenario, therefore, it would be perfectly accurate to say that the vast majority of respondents oppose trying juveniles as adults, whereas under the second, it would be just as accurate to describe the findings as indicating overwhelming support for the identical policy.** In short, the results of the present study show that blanket statements about public attitudes toward juvenile crime policy should be interpreted with great caution.

Therefore, prefer studies, which present the actual question, which was being asked, to the individuals being polled.

1. http://www.blackslawdictionary.com/Home/Default.aspx [↑](#footnote-ref-1)
2. online random house dictionary [↑](#footnote-ref-2)
3. online etymology dictionary; online [↑](#footnote-ref-3)
4. Applegate, Brandon K, Ph.D. [University of Central Florida], Robin King Davis, Ph.D. [Macro International], Cullen, Francis T., Ph.D. [University of Cincinnati]. Reconsidering Child Saving: The Extent and Correlates of Public Support for Excluding Youths From the Juvenile Court. Crime & Delinquency. March 12, 2008. Sage Publications.   
    [↑](#footnote-ref-4)
5. Laurence Steinberg and Alex Piquero [Steinberg - Professor @ Temple University; Piquero - Professor @ Florida State University]. Manipulating Public Opinion About Trying Juveniles as Adults: An Experimental Study. Crime and Delinquency. SAGE Publications. April 2, 2009.**[http://cad.sagepub.com/content/56/4/487](http://cad.sagepub.com/content/56/4/487" \t "_blank)** [↑](#footnote-ref-5)